



C L A R E L O C K E

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February 8, 2019

Via ECF

Hon. Robert M. Levy  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Monica Morrison v. Robert Langrick*, No. 1:18-cv-06127 (CBA) (RML)

Dear Judge Levy:

Defendant Robert Langrick strongly opposes the request by Plaintiff Monica Morrison's counsel for yet another extension of the deadline to respond to Mr. Langrick's Counterclaims, which were filed 49 days ago. (See Def.'s Answer, Affirmative Defenses, & Counterclaims, Dec. 21, 2018, Dkt. 14.) Under the Federal Rules of Civil Procedure, Ms. Morrison's original deadline to respond to Mr. Langrick's Counterclaims was January 11, 2019. The Court has already graciously granted Ms. Morrison a 60-day extension of the original deadline, making her response now due on March 12, 2019 – over a month from now. (Order granting Mot. for Extension of Time to Answer, Jan. 16, 2019, Dkt. 21.) Under the current, already-extended deadline, Ms. Morrison's counsel will have had a total of **82 days** to prepare an answer or motion to dismiss with respect to the three counts in Mr. Langrick's Counterclaims. That is more than ample time and no further extension is warranted.

In their Second Motion for Extension of Time to File Answer (Dkt. 22), Ms. Morrison's counsel now argue that they need additional time because one of them is "previously" scheduled to be out of town from late February to early March. But Ms. Morrison's counsel's filing also makes clear that they have to date made no effort to begin working on an answer or motion to dismiss to a pleading that was filed last December. See *id.* at 1 (noting "general concerns about the timing of **what could turn out to be** the major effort to draft a potentially dispositive motion...") This means that – as of yesterday when counsel filed the request for an extension – Ms. Morrison's attorneys

have let **48 days** elapse since the filing of Mr. Langrick's Counterclaims without undertaking any effort to prepare a response. Such inattentiveness should not be rewarded with a further extension, particularly when Ms. Morrison's counsel acknowledges that Ms. Schrager's travel was ***previously scheduled*** and not an unexpected or sudden development.

As noted, even under the current, already-extended deadline, Ms. Morrison and her counsel still have more than a month to prepare a response to Mr. Langrick's three-count Counterclaims. No further delay is warranted. It must be noted again that Mr. Langrick did not initiate this action. Ms. Morrison and her counsel did. Having been accused in a public filing of things he did not do and having seen those allegations further spread through the media to his great detriment, Mr. Langrick deserves and desires a speedy adjudication of this case – even if Ms. Morrison now seems to not want one. On behalf of Mr. Langrick, I respectfully request that you deny Ms. Morrison's Second Motion for Extension of Time to File Answer (Dkt. 22).

Sincerely,

A handwritten signature in blue ink, appearing to be 'AC Phillips', with a stylized, cursive script.

Andrew C. Phillips

Cc: All counsel of record via ECF.